



City of
OLYMPIA

P.O. Box 1967, Olympia, WA 98507-1967

May 16, 2006

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Steven R. Hall

Municipal Stormwater Phase II Western Washington Comment
Washington State Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Dear Sir or Madam:

**SUBJECT: City of Olympia Comments on Final Draft Phase II
Municipal Stormwater Permit for Western Washington**

Thank you for the opportunity to provide comment on this draft permit. I would like to compliment Washington State Department of Ecology (Ecology) staff for their efforts in developing this draft given the complexity of issues and their receptiveness to receiving comments.

There is great diversity among the jurisdictions that will be subject to this permit, and the list of stakeholders involved is long and varied. The comments provided below are reflective of concerns for the City of Olympia specifically; a City which has a demonstrated commitment to stormwater management and an established program. Comments are organized by page and line number as follows (e.g., 9.3 identifies page 9, line 3) or by title (*Appendix 3*) for more general comments.

8.9 Editorial comment – On this line, S2.D.c should be changed to S1.D.2.c

19.31 This section states that a jurisdiction must use the minimum requirements and definitions in Appendix 1 or an equivalent approved by Ecology under the NPDES Phase 1 Municipal Stormwater Permit. We are a Phase 2 jurisdiction that has already adopted a manual designed to be equivalent to Ecology's 2005 *Stormwater Management Manual for Western Washington* and request that Ecology provide an alternative pathway for receiving an equivalency determination.

Olympia's recently adopted manual went through an extensive multi-year development process with frequent meetings among the local jurisdictions of Lacey, Tumwater, Thurston County, and Olympia. The intent was to develop an equivalent manual tailored to unique local conditions. We feel this was accomplished and are now faced with the potential for duplicate or conflicting standards.

Ecology's reasoning for not providing an equivalency determination for Phase 2 jurisdictions, as it does for Phase 1 jurisdictions, seems to be based on the extreme scenario that all Phase 2 jurisdictions will apply for equivalency and Ecology will not have the staff to review all submittals in a timely fashion. Knowing the extensive process we went through to develop our own manual, this scenario seems highly unlikely.

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We request that Ecology remove the language, "under the NPDES Phase 1 Municipal Stormwater Permit" and provide an equivalency determination for all jurisdictions that take the initiative to develop their own manuals better suited to local conditions.

- 19.41 Request that Ecology remove the language, "under the Phase 1 Permit" on this line and provide an equivalency determination for all jurisdictions.
- 20.8 Request that Ecology remove the language, "under the Phase 1 Permit" on this line and provide an equivalency determination for all jurisdictions.
- 21.16 Editorial comment – On this line, "constriction" should be spelled "construction"

Appendix 3: Annual Report Form for Permittees

Annual reporting required in this draft permit is extensive and detailed. Preparing the report will represent a significant investment of time for Olympia staff. Because activities covered by the permit are performed by several different City departments, we must also develop internal reporting procedures.

Given that Ecology will have limited staff to review permit compliance and previous court decisions require a higher degree of specificity in the permits, we understand the need for detailed reporting. We do recognize that it will force us to allocate time away from other actions.

Use of *Part II. Expenditure Report Form 1.2* is one component of annual reporting we feel is excessive and should be removed from the permit. Jurisdictions use a wide variety of methods to meet permit requirements and costs will not be comparable across them.

Costs will not inform the level of permit compliance either as volunteer use, efficiencies, or other factors will not be reflected. Cost reporting would also take time away from the City's accounting department which would not otherwise be impacted by this permit.

Olympia's expenditures are fully available and reported to the public during our annual budget process. Reporting costs in a specific format for this permit represents an undue burden that will not inform our level of compliance with the permit which is why this section should be removed.

Please feel free to contact me at (360) 753-8321 with any questions regarding these comments.

Sincerely,



VINCE MCGOWAN

Senior Program Specialist

Public Works Water Resources

VM/hrr

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cc: Andy Haub